

**Minutes of Meeting
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS
(APELSCIDLA BOARD)**

**LAND SURVEYOR
INFORMAL FACT-FINDING CONFERENCES
JUNE 11, 2004 (9:00 A.M.)**

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Doyle B. Allen, Board Member, presided. No other Board members were present.

Douglas Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case
Lic=Licensing Application

C=Complainant/Claimant
A=Applicant
R=Respondent/Regulant
Inv=Investigator
W=Witness

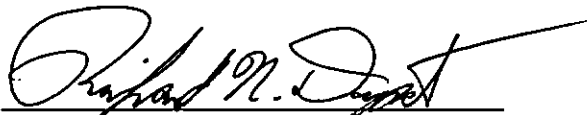
9:00 AM

Larry M. Culbertson
File Number 2003-00921 (Discp)

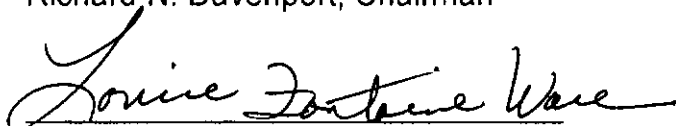
Larry Culbertson – R
Silas Qualls – C

The meeting adjourned at 12:20 p.m.

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

A handwritten signature in cursive script, appearing to read "Richard N. Davenport".

Richard N. Davenport, Chairman

A handwritten signature in cursive script, appearing to read "Louise Fontaine Ware".

Louise Fontaine Ware, Secretary

**IN THE
COMMONWEALTH OF VIRGINIA**

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**

In Re:

Larry M. Culbertson
Nickelsville, VA 24271

File Number 2003-00291
License Number 0403001531

CONSENT ORDER

Respondent Larry M. Culbertson ("Culbertson") was at all times material to this matter a licensed Land Surveyor in Virginia (No. 0403001531).

As a result of this status, Culbertson recognizes and acknowledges being subject to and bound by the Regulations of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on June 11, 2004 in an Informal Fact Finding Conference ("IFF") pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by Larry M. Culbertson, Respondent and Silas Qualls, Complainant. Board Member Doyle B. Allen presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

Background

On June 27, 2002, Larry Culbertson completed a survey of the property of J. D. Qualls, located in the Powell District of Scott County, Virginia. Silas Qualls, son of J. D. Qualls, is the adjoining land owner who alleges that Larry Culbertson's survey of J. D. Qualls property has encroached on the boundary of his property.

Summation of Facts

1. On June 27, 2002, Larry Culbertson affixed his professional seal, but did not date his signature on a survey he prepared of the property of J. D. Qualls without determining that the land boundary survey was correct and complied with the minimum standards and procedures.
2. On June 27, 2002, Larry Culbertson performed a survey for J. D. Qualls and did obtain the description of adjoining land as it pertains to the common boundaries. However, Culbertson failed to clearly note inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land.
3. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls by radially measuring angles and distances from one point thus he failed to substantiate the average true angle.
4. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls and failed to make distance measurements for the lines of traverse or lines of the land boundary survey.
5. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls and failed to determine the maximum permissible error of closure for the field traverse in connection with a land boundary survey or the maximum permissible positional uncertainty.
6. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls and did monument with objects made of permanent materials at all corners and changes of direction on the land boundary. However, Culbertson failed to show the location of each on the plat of the land boundary.
7. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls and failed to use mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record.

8. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls and failed to include all the names of adjoining owners of record with deed book references, or subdivision lot designations.
9. On June 27, 2002, Larry Culbertson performed a survey of J. D. Qualls of the property and did include the right of way width, thus the distance to the center of the physical pavement and pavement width of State Route 638 was not required.
10. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls did include the north arrow and failed to include a source of meridian used for the survey.
11. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls and failed to include on interior surveys, a reference bearing and distance to a property corner of the adjoining property owned by J. D. Qualls.
12. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls and failed to include the tax map designation or geographic parcel identification number if available. However, it appears that a tax map parcel identification number was not available.
13. On June 27, 2002, Larry Culbertson performed a survey of the property of J. D. Qualls and failed to include a statement that the land boundary survey shown is based on a current field survey.

The Board and Culbertson, as evidenced by the signatures affixed below, enter into this Consent Order. Culbertson knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, Culbertson acknowledges an understanding of the charges. Culbertson hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1: 18 VAC 10-20-370(A) (Effective March 1, 2002)

Culbertson's failure to date his signature on the seal and determine that the land boundary survey was correct and complied with the minimum standards and procedures is a violation of Board Regulation 18 VAC 10-20-370(A) and a monetary penalty of \$250.00 is imposed.

Count 2: 18 VAC 10-20-370(B) (Effective March 1, 2002)

Culbertson's failure to clearly note inconsistencies found in the research of common boundaries in the land being surveyed and the adjoining land as it pertains to the common boundaries is a violation of Board Regulation 18 VAC 10-20-370(B) and a monetary penalty of \$250.00 is imposed.

Count 3: 18 VAC 10-20-370(C) (Effective March 1, 2002)

Culbertson failed to substantiate the average true angle. Culbertson failed to make distance measurements for the lines of traverse or lines of the land boundary survey. Culbertson failed to determine the maximum permissible error of closure for the field traverse in connection with a land boundary survey or the maximum permissible positional uncertainty. Culbertson failed to show the location of each monument on the plat of the land boundary. Culbertson is in violation of Board Regulation 18 VAC 10-20-370(C) and a monetary penalty of \$250.00 is imposed.

Count 4: 18 VAC 10-20-370(D) (Effective March 1, 2002)

Culbertson failed to use mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Culbertson failed to include all the names of adjoining owners of record with deed book references, or subdivision lot designations. Culbertson failed to include the source of meridian on the north arrow used for the survey. Culbertson failed to include on interior surveys, a reference bearing and distance to a property corner of the adjoining property owned by J. D. Qualls. Culbertson failed to include a statement that the land boundary survey shown is based on a current field survey. Culbertson is in violation of Board Regulation 18 VAC 10-20-370(D) and a monetary penalty of \$250.00 is imposed.

Additionally, Culbertson agrees to pay Board costs in the amount of \$300.00.

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. Culbertson acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Culbertson will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Culbertson acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Culbertson's license until such time as there is compliance with all terms of this Order. Culbertson understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

Larry M. Culbertson

Date

Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

SO ORDERED:

Entered this _____ day of _____, 2004.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and
Landscape Architects

BY: _____
Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Doyle B. Allen
2. Title: Board Member
3. Agency: Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
4. Transaction: Informal Fact-Finding Conferences on June 11, 2004
5. Nature of Personal Interest Affected by Transaction: _____
NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Doyle B. Allen
Signature

6/11/04
Date